

REMARKS

Amendments

Claim 1 is amended to use language in accordance with conventional US practice. In addition, claim 1 is amended to delete reference to “corresponding derivative” and to recite salts and esters. In addition, the claims are amended to expressly describe the mono(fluoroalkyl)- and bis(fluoroalkyl) phosphates, the corresponding phosphoranes, the fluoroalkyl groups and cycloalkyl groups. See, e.g., page 3, lines 17-29, and page 4, lines 9-19.

Claims 2-15 are also amended to use language in accordance with conventional US practice, and to be consistent with the amended language of claim 1. New claims 16-24 are directed to further aspects of the invention and are supported throughout the disclosure. See, for example, the original claims, page 3, line 28 – page 4, line 18, page 5, lines 23-31, page 7, lines 1-7, page 7, lines 16-27, and the Examples.

Rejection under 35 USC 112, second paragraph

Claims 1-15 are rejected as allegedly being indefinite under 35 USC 112, second paragraph. This rejection is respectfully traversed.

In the rejection, the Examiner argues that the term “derivatives” is indefinite. Applicants respectfully disagree. The specification clearly describes salts and esters as suitable derivatives in the context of the invention. See, e.g., page 6, line 34 – page 7, line 34.

In any event, for purposes of furthering prosecution, the claims are amended to delete references to “corresponding derivative.”

In view of the above remarks, withdrawal of the rejection is respectfully requested.

Obviousness-Type Double Patenting Rejection

Claims 1-15 are rejected as allegedly being obvious in view of claim 1 of US 7,202,379 (Welz-Biermann et al.). This rejection is respectfully traversed.

Welz-Biermann et al. (US '379) disclose a process according for preparing bis(perfluoroalkyl)phosphinic acids. The process comprises: a) reaction of at least one

difluorotris(perfluoroalkyl)phosphorane or at least one trifluorobis(perfluoroalkyl)-phosphorane with hydrogen fluoride in a suitable reaction medium, and b) heating of the reaction mixture obtained in a). See column 2, lines 3-14.

Thus, it is readily apparent that US '379 discloses a process for making bis(perfluoroalkyl)phosphinic acids, i.e., a starting material of applicants' claimed process. See, e.g., the paragraph bridging pages 4-5 of applicants' specification.

In the rejection it is asserted that applicants' claims are "silent on the scope of the corresponding derivatives," and therefore it is asserted that the claims overlap with that of US '379. As discussed above, applicants' specification clearly describes salts and esters as suitable derivatives in the context of the invention. Moreover, the claims are amended to delete references to "corresponding derivative," and now recite salts and esters of bis(fluoroalkyl)phosphinic acid or (fluoroalkyl)phosphonic acid.

Additionally, as mentioned, the claimed process uses phosphinic acids as a starting material. The rejection presents no rationale as to why one of ordinary skill in the art would consider a starting material of a process to be a "corresponding derivative" of the product of that process.

Furthermore, the rejection fails to demonstrate how US '379 suggests applicants' claimed process wherein the anhydrous hydrogen fluoride is employed.

In view of the above remarks, it is respectfully submitted that the disclosure and the claims of Welz-Biermann et al. (US '379) fail to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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